

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NO. 12-80560
	:	
MARY BETH HEIST	:	CHAPTER 13
	:	
<u>DEBTOR,</u>	:	JUDGE WENDY L HAGANEAU

**MOTION TO EXCUSE DEFAULT ON PAYMENTS TO CHAPTER 13
TRUSTEE AND FOR A SUSPENSION IN PLAN PAYMENTS**

COMES NOW, Debtor and respectfully shows this court the following:

1. Debtor herein filed their Petition for Relief under Chapter 13 of the Bankruptcy Code on December 10, 2012.
2. The case was confirmed on June 13, 2013. The plan calls for payments to the Trustee be made in the amount of \$205.00 each month.
3. In the recent months Ms. Heist has suffered a loss of her employment which has resulted in loss of her income due to an accident in May, 2014.
4. On August 5, 2014 the Chapter 13 Trustee filed a Motion to Dismiss case due to delinquency.
5. The Debtor respectfully requests a default in plan payments through and including November, 2014. Debtor requests that those payments be excused and allow the current disability claim time to be heard and ruled upon in order to obtain some type of income in order to resume her required payments. Plan payments would resume in December, 2014 at which time Debtor will review Plan and will modify the Plan and schedules should there be a cure term problem.

WHEREFORE, Debtor prays

- (a) That this “Motion” be filed, read and considered;
- (b) That the Plan payments be excused and suspended; and
- (c) That this Honorable Court grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 9th day of September, 2014.

_____/s/_____
E. Michael Vereen III
Georgia Bar No: 727060
Attorney for Debtor

4000 Jay Green Road
Canton, GA 30115
770-345-9449

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<u>DEBTOR,</u>	:	JUDGE WENDY L HAGANEAU

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Debtor in the above referenced matter has filed an "Motion to Excuse Default on Payments to Chapter 13 Trustee and for a Suspension in Plan Payments."

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the "Motion to Excuse Default on Payments to Chapter 13 Trustee and for a Suspension in Plan Payments" in Courtroom No. 1403 at the US Courthouse, 75 Spring Street SW, Atlanta, GA 30303 on **October 22, 2014 at 9:30 o'clock a.m.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/ or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate of service stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk of US Bankruptcy Court, 75 Spring Street SW, Room 1340, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the below address.

Dated September 9, 2014.

/s/

E. Michael Vereen, III
Georgia Bar No. 727060
Attorney for Debtor

4000 Jay Green Road
Canton, GA 30115
(770)345-9449

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on the 9th day of September, 2014 served a copy of the Motion to Excuse Default on Payments to Chapter 13 Trustee and for a Suspension in Plan Payments and Notice of Hearing by United States Postal Service with adequate postage thereon:

Mary Beth Heist 3576 Stonewall Drive Kennesaw, GA 30152	Nancy J Whaley, Chapter 13 Trustee 303 Peachtree Ctr Ave Ste 120 Atlanta, GA 30303
AnyPest 287ChastainRd Kennesaw, GA 30144	Aspire Pob105555 Atlanta, GA 30348
BiorenCorp POBox464 Rockford, MN 55373	CapOne PoBox5253 Carol Stream, IL 60197
Cap1/bstby PoBox5253 Carol Stream, IL 60197	CapitalOne, N.a. CapitalOneBank(USA)N.A. PoBox30285 Salt Lake City, UT 84130
Chase PoBox 15298 Wilmington, DE 19850	Gemb/walmart PoBox103104 Roswell, GA 30076
GeorgiaDepartment of Revenue ComplianceDivision 1800CenturyBlvdNE Atlanta, GA 30345	GeorgiaDepartment of Revenue TaxpayerServicesDivision POBox105499 Atlanta, GA 30348
GeorgiaDepartment of Revenue POBox105665 Atlanta, GA 30348	HSBCHousehold Bank POBox49308 San Jose, CA 95161
InternalRevenue Service POBox21126 Philadelphia, PA 19114	InternalRevenue Service POBox21125 Philadelphia, PA 19114
InternalRevenue Service 401WestPeachtreeStreet Atlanta, GA 30303	InternalRevenue Service POBox105404 Atlanta, GA 30348
InternalRevenue Service POBox7346 Philadelphia, PA 19101	InternalRevenue Service 401WPeachtreeStNWRm1665 MS334 Atlanta, GA 30308
InternalRevenue Service POBox105572 Atlanta, GA 30348	KennesawMountain Veternarian Service POBox848 Kennesaw, GA 30156
Kohls/capone N56W17000RidgewoodDr Menomonee Falls, WI 53051	

WellsFargo Hm Mortgag PoBox 10335 Des Moines, IA 50306	Lowes/MBGA / GEMB Attention: Bankruptcy Department PoBox 103104 Roswell, GA 30076
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Dated September 9, 2014.

/s/_____
E. Michael Vereen, III
Georgia Bar No. 727060
Attorney for Debtor

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